

STAYED, VACANT JUDGESHIP-2017

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:18-cv-00997-CJB**

McMichael v. U.S. Department of Justice
Assigned to: Judge Christopher J. Burke
Cause: 05:552 Freedom of Information Act

Date Filed: 07/03/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

William McMichael

represented by **Joanna J. Cline**
Pepper Hamilton LLP
18th & Arch Streets
3000 Two Logan Square
Philadelphia, PA 19103
215-981-4520
Email: clinej@pepperlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Britain R. Henry
Email: bhenry@mcnellygoldstein.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher Brian Chuff
Pepper Hamilton LLP
1313 Market Street, Suite 5100
P.O. Box 1709
Wilmington, DE 19899-1709
302-777-6547
Email: chuffc@pepperlaw.com
ATTORNEY TO BE NOTICED

Ellis E. Herington
Pepper Hamilton LLP
1313 Market Street, Suite 5100
P.O. Box 1709
Wilmington, DE 19899-1709
(302) 777-6592
Email: herington@pepperlaw.com
ATTORNEY TO BE NOTICED

Tuan Samahon
Email: tsamahon@gmail.com
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Justice

represented by **Graham Lewis Robinson**
U.S. Attorney's Office
Hercules Building
1313 N. Market Street
P.O. Box 2046
Wilmington, DE 19801
(302) 573-6277
Fax: (302) 673-6220
Email: graham.robinson@usdoj.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/03/2018	<u>1</u>	COMPLAINT filed against U.S. Department of Justice – Magistrate Consent Notice to Pltf. (Filing fee \$ 400, receipt number 0311-2413547.) – filed by William McMichael. (Attachments: # <u>1</u> Civil Cover Sheet)(fms) (Entered: 07/03/2018)
07/03/2018	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (fms) (Entered: 07/03/2018)
07/03/2018		No Summons Issued. (fms) (Entered: 07/03/2018)
07/06/2018		Summons Issued with Magistrate Consent Notice attached as to U.S. Department of Justice on 7/6/2018. (crb) (Entered: 07/06/2018)
07/11/2018		Case Assigned to Vacant Judgeship (2017). Please include initials of VAC after the case number on all documents filed. (rjb) (Entered: 07/11/2018)
07/11/2018		CASE REFERRED to Magistrate Judge Christopher J. Burke. (This matter has been assigned to the Vacant Judgeship and referred to a Magistrate Judge for handling through case-dispositive motions. The Magistrate Judge has full authority permitted by law to manage this matter, including entering schedules through trial, deciding non-dispositive matters and making recommendations as to the resolution of dispositive matters. Litigants and counsel are reminded that they have the option of consenting to the Magistrate Judge to handle the case in full, including trial, or consenting to having a particular motion resolved by the Magistrate Judge.) (rjb) (Entered: 07/11/2018)
07/12/2018	<u>3</u>	MOTION for Pro Hac Vice Appearance of Attorney Britain R. Henry – filed by William McMichael. (Attachments: # <u>1</u> Certification of Britain R. Henry to be Admitted Pro Hac Vice, # <u>2</u> Text of Proposed Order)Motions referred to Christopher J. Burke.(Herington, Ellis) (Entered: 07/12/2018)
07/18/2018		REMARK: The parties should be aware that the Court encourages the participation of newer attorneys in courtroom proceedings and at oral argument. Please see the Court's Standing Order Regarding Courtroom Opportunities for Newer Attorneys, a link to which is provided here for the parties' convenience: http://www.ded.uscourts.gov/sites/default/files/forms/StandingOrder2017.pdf (dlb) (Entered: 07/18/2018)
07/18/2018		REMARK: If the parties jointly consent to have a Magistrate Judge conduct all proceedings in this case, including trial, then when Judge Burke enters a case schedule he will enter the respective pre-trial conference and trial dates onto his calendar and will honor them. Otherwise, in accordance with the District Court's procedures for "Assignment of Cases to Visiting Judges" (issued on May 26, 2017 and available on the District Court's website), then upon the filing of a case-dispositive motion (e.g., a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment, or initiation of the claim construction process in a patent case), VAC cases will be considered ready for reassignment to a visiting District Judge. Whether the pre-trial conference and trial dates will stand after reassignment will depend on the availability of those dates on the visiting District Judge's calendar. (dlb) (Entered: 07/18/2018)
07/20/2018		SO ORDERED D.I. <u>3</u> MOTION for Pro Hac Vice Appearance of Attorney Britain R. Henry filed by William McMichael. Ordered by Judge Christopher J. Burke on 7/20/2018. (dlb) (Entered: 07/20/2018)
07/30/2018	<u>4</u>	MOTION for Pro Hac Vice Appearance of Attorney Tuan Samahon – filed by William McMichael. (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)Motions referred to Christopher J. Burke.(Chuff, Christopher) (Entered: 07/30/2018)
07/30/2018	<u>5</u>	SUMMONS Returned Executed by William McMichael. U.S. Department of Justice served on 7/6/2018, answer due 7/27/2018. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Herington, Ellis) (Entered: 07/30/2018)

08/03/2018		SO ORDERED, re <u>4</u> MOTION for Pro Hac Vice Appearance of Attorney Tuan Samahon filed by William McMichael. Ordered by Judge Christopher J. Burke on 8/3/2018. (jcs) (Entered: 08/03/2018)
08/08/2018	<u>6</u>	ANSWER to <u>1</u> Complaint by U.S. Department of Justice.(Robinson, Graham) (Entered: 08/08/2018)
08/09/2018		ORAL ORDER: IT IS HEREBY ORDERED that the parties shall meet and confer regarding the content of a proposed Scheduling Order, and shall submit such a proposed Scheduling Order to the Court no later than thirty (30) days from the date of this Order. The parties should review Judge Burkes form Rule 16 Scheduling Order Non Patent, which can be found on Judge Burkes portion of the District Court's website under the Forms tab: (www.ded.uscourts.gov/judge/magistrate-judge-christopher-j-burke). If there are disputed issues between the parties regarding the content of the Scheduling Order, the parties should note those areas of dispute in the proposed Scheduling Order, along with their proposals for the language the Court should adopt as to that issue. In addition, the parties may each separately file a letter (of no more than two single-spaced pages) setting forth their position as to these disputed issues. Ordered by Judge Christopher J. Burke on 8/9/2018. (dlb) (Entered: 08/09/2018)
08/15/2018		Pro Hac Vice Attorney Britain R. Henry for William McMichael added for electronic noticing. Pursuant to Local Rule 83.5 (d),, Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (ceg) (Entered: 08/15/2018)
08/16/2018		Pro Hac Vice Attorney Tuan Samahon for William McMichael added for electronic noticing. Pursuant to Local Rule 83.5 (d),, Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (crb) (Entered: 08/16/2018)
08/23/2018	<u>7</u>	Joint STIPULATION to Stay Proceedings <i>with Proposed Order</i> by U.S. Department of Justice. (Robinson, Graham) (Entered: 08/23/2018)
08/23/2018		SO ORDERED D.I. <u>7</u> Stipulation to Stay Proceedings filed by U.S. Department of Justice. Ordered by Judge Christopher J. Burke on 8/23/2018. (dlb) (Entered: 08/23/2018)
08/31/2018		Case Reassigned to Judge Maryellen Noreika. Please include the initials of the Judge (MN) after the case number on all documents filed. (rjb) (Entered: 08/31/2018)
09/05/2018	<u>8</u>	CONSENT to Jurisdiction by U.S. Magistrate Judge. Case reassigned to Magistrate Judge Christopher J. Burke. Signed by Judge Maryellen Noreika on 9/5/2018. (dlw) (Entered: 09/05/2018)
10/31/2018	<u>9</u>	NOTICE of Change of Affiliation by William McMichael <i>regarding Tuan N. Samahon and Britain R. Henry</i> (Herington, Ellis) (Entered: 10/31/2018)
03/22/2019	<u>10</u>	Joint STATUS REPORT , <i>Stipulation, and Proposed Order to Continue to Stay Proceedings</i> by William McMichael. (Chuff, Christopher) (Entered: 03/22/2019)